

## REMARKS

### Paragraph 1 (Response to Arguments)

The Examiner takes the position in the Response to Arguments that Hershey's system is a quasi-static non-propagating field because it does not send propagating waves to a far field destination. This is a misreading of the disclosure and represents only one aspect of Applicant's field. Of greater importance is the "non-propagating" aspect of the field. The Examiner posits that without propagation there can be no movement of information. This is definitely not the case. The field itself does not propagate in Applicant's invention, but rather it supports the information carried by the frequency waves within the field.

As explained in prior responses (rejected by the Examiner) it is now understood that the principal effect of Applicant's system is the creation of evanescent waves, a phenomenon in which the Examiner apparently does not believe. Applicant has performed an Internet search on this phenomenon and has found over 1400 hits on this issue (there were fewer than 5 in 2000). The phenomenon is now completely accepted and much better understood in the scientific community. It can be safely stated that Hershey does not use or produce anything remotely resembling evanescent waves. The operation of Applicant's system is entirely different from that of Hershey. It is recognized that Applicant is hamstrung by the original wording of the specification and the terms used therein, but does not believe that improved understanding of the described phenomena should be rejected out of hand.

Applicant has addressed the other issues raised by submitting the amended claims. These explicitly and unmistakably incorporate the aspects of Applicant's invention which the Examiner states to be "not claimed" before. Applicant believes that the aspects were included in claims previously presented, but submits the amended and new claims herewith in order to overcome the objections raised.

### Paragraph 2

The Examiner, in paragraph 2, has rejected the claims (14 and 15) on the basis that they are perceived to be anticipated by *Hershey* (US 6,329,928). Applicant continues to vigorously contest this position, but submits amended and additional claims to refute such.

The Examiner took the position that Applicant had not claimed a communications system at all, and much less one which could operate in real time. Accordingly, Applicant has now amended claim 14 to specifically include "communications" and more specifically to designate the type of communications for which the system is suited. It is submitted that such limitations in the preamble, which are fully disclosed in and consistent with the specification, completely distinguish the claimed subject matter from anything taught or suggested by Hershey.

The amendment to claim 15 merely matches claim 14 by adding "communications" to the preamble.

New claim 16 provides a further limitation restricting the invention to the frequency range discussed in the specification for the invention, that being the range of 3 to 400 MHz.

New claim 17 restates the restriction of claim 16 in independent form and specifies a frequency range far removed from that of Hershey. New dependent claim 18 mirrors claim 15, with the limitation on the ratio between grid size and wavelength being clearly established.

It is asserted that the amended and newly presented claims dispel any possible anticipation by Hershey and overcome the rejection stated under 35 USC §102. In addition, it is also asserted that neither Hershey nor any combination of references raised by the Examiner in any way makes obvious the teachings of Applicant, as stated in the revised claims.

Applicant's invention is now stated in terms which clearly distinguish it from any prior art teachings. The limitations on grid size and the relationship between such and the wavelength of signals suitable for real time communication are clearly stated. No prior art teaches or implies anything of this nature.

### Conclusion

Having responded to all of the paragraphs of the Office Action, and having amended the claims accordingly, Applicant respectfully submits that the Application is now in condition for allowance. Applicant therefore respectfully

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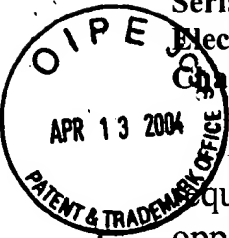
Electromagnetic Field Communications System, etc.

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Art Unit: 2682

Att. Ref. 60607.300101



requests that a Notice of Allowance be forthcoming at the Examiner's earliest opportunity. Should the Examiner have any questions or comments with regard to this amendment, a telephonic conference at the number set forth below is respectfully requested.

Respectfully submitted,

Date: 9 April 2004

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**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on April 9, 2004 with the U.S. Postal Service as first class mail in an envelope addressed to: MS Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 9, 2004

Patricia Beilmann